



Attorney's Docket No. 07539.120

PATENT**In The United States Patent And Trademark Office**

In re: Roy Hays et al.

Appl. No.: 09/782,685

Group Art Unit: 2155

Filed: February 13, 2001

Examiner: Tran, Philip B.

For: METHOD AND SYSTEM FOR COLLECTING INFORMATION AT
DISTRIBUTED LOCATIONS**DECLARATION OF BILLY W. HENSLEY AND ROY HAYS
UNDER 37 C.F.R. §§ 1.131 & 1.132**

We, Billy W. Hensley and Roy Hay, being joint inventors of the claimed subject matter,
do hereby declare and say as follows:

1. We are the joint inventors of the inventions claimed in the original and pending claims of the above-captioned patent application.
2. We have read and understand the above-captioned patent application, including the original specification and claims. We also have read and understand the Office Action dated January 12, 2007 and claims 1-13.
3. We conceived and invented the subject matter of claims 1-13 of the patent application prior to the December 24, 1999 filing date of U.S. Patent No. 6,336,136 to Harris (hereinafter "Harris"), and diligently reduced the claimed invention to practice.
4. Attached as Exhibit A is a hardcopy print-out of the software code relating to this application existing as of February 29, 2000. The top line of each page of the hardcopy print-out includes a directory path.

5. The Examiner has already accepted the Declaration filed October 27, 2006 as establishing that the invention had been reduced to practice before April 14, 2000, as evidenced by the Examiner's withdrawal of the rejection based on U.S. Patent No. 6,403,897 to Bluth.

6. Exhibit A establishes our efforts in reducing the invention to practice, as those efforts existed on February 29, 2000. A comparison of Exhibit A and the computer code as it existed on April 14, 2000 (as submitted with the October 27, 2006 Declaration) establishes the continuing diligence exercised by us between February 29, 2000 and April 14, 2000.

7. February 29, 2000 is the earliest check-in date established by the exhibits produced with our earlier Declarations and Exhibit A. In actuality, development of the computer program checked-in on February 29, 2000 started much earlier than the December 24, 1999 filing date of Harris.

8. As the software representing the claimed invention was being developed, a master copy was retained on a main computer server. As a routine, copies of the software code were checked out of the server to individual programmers such as ourselves for development. The checked-out copies were loaded on to individual work stations, where the development work took place and the software code was updated. Periodically, the updated software code was uploaded from individual work stations to the main computer server. This routine started well before December 24, 1999, and continued throughout development of the invention.

9. Development of the software code continued diligently throughout the period of December 24, 1999 through February 29, 2000. Per our normal routine described above in paragraph 8, software code updates made throughout this period were checked into the server for archive and organization purposes, and copies were routinely checked out of the server to work stations for development.

10. In or about the beginning of February of 2000, possibly as early as about January 15, 2000, the server containing the computer program code and all archived "checked-in" files crashed. Extensive efforts to repair the server and recover data saved on the server were unsuccessful. As a consequence, the server had to be replaced in late February of 2000. All archived records of the software code checked in during and prior to the December 24, 1999 through February 29, 2000 period were permanently and irrevocably lost because of the server crash.

11. Fortunately, at least one copy of the most up-to-date software code as it existed at the time of the server crash was saved to the individual work station computers for development purposes. A copy of the software code was copied from the work stations and checked into the replacement server on or about February 29, 2000. Unfortunately, all historical, archived copies of the software code on the server at the time of the computer crash, including all previous checked-in updates of the software code, were lost with the server crash.

12. The files listed below and attached as Exhibit A were checked-into the replacement server on February 29, 2000, and are the same files that existed at the time of the server crash in January or February 2000. These files were prepared according to the routine described above in paragraph 8 over an ongoing period dating back almost a year before their February 29, 2000 check-in into the replacement server.

Directory of C:\stephene\Patent3\Lifeclinic\LCServices\LCBroker

02/29/2000 12:35 PM	7,618 CoLCBroker.cpp
02/29/2000 12:35 PM	2,531 CoLCBroker.h
02/29/2000 12:28 PM	4,596 Encryptor.cpp
02/29/2000 12:28 PM	982 Encryptor.h

02/29/2000 12:28 PM	1,368 errorMessage.h
02/29/2000 12:35 PM	727 idGen.h
02/29/2000 12:35 PM	12,637 ISLXmlCmdsImpl.h
02/29/2000 12:35 PM	11,816 LCBroker.cpp
02/29/2000 04:39 PM	35,554 LCBroker.dsp
02/29/2000 12:35 PM	1,137 LCBroker.idl
02/29/2000 12:35 PM	2,862 LCBroker.rc
02/29/2000 12:35 PM	853 LCBroker.rgs
02/29/2000 12:35 PM	476 LCBrokerps.mk
02/29/2000 12:28 PM	11,671 Logging.cpp
02/29/2000 12:28 PM	4,648 Logging.h
02/29/2000 12:28 PM	34,767 Registry.cpp
02/29/2000 12:28 PM	8,432 Registry.h
02/29/2000 12:28 PM	3,370 registryBase.cpp
02/29/2000 12:28 PM	815 registryBase.h
02/29/2000 12:28 PM	2,393 registryDB.cpp
02/29/2000 12:28 PM	681 registryDB.h
02/29/2000 12:35 PM	544 resource.h
02/29/2000 12:35 PM	1,582 rs.cpp
02/29/2000 12:35 PM	315 StdAfx.cpp
02/29/2000 12:35 PM	3,474 StdAfx.h
02/29/2000 12:35 PM	5,751 xc.cpp
02/29/2000 04:39 PM	9,194 xcLCBroker.cpp

02/29/2000 12:37 PM	5,173 xcLCBroker.h
02/29/2000 12:37 PM	7,786 xcLCBrokerModify.cpp
02/29/2000 12:35 PM	21,520 xc_addInsurance.cpp
02/29/2000 12:35 PM	3,148 xc_changePassword.cpp
02/29/2000 12:35 PM	4,182 xc_createUser.cpp
02/29/2000 12:35 PM	302 xc_createUser.h
02/29/2000 12:35 PM	721 xc_delAudit.cpp
02/29/2000 12:35 PM	1,560 xc_delDiagnosis.cpp
02/29/2000 12:35 PM	1,453 xc_deleteAllergy.cpp
02/29/2000 12:35 PM	1,330 xc_DeleteCommands.h
02/29/2000 12:35 PM	2,859 xc_deleteEmploymentInfo.cpp
02/29/2000 12:35 PM	1,527 xc_deleteFamilyHistory.cpp
02/29/2000 12:35 PM	1,468 xc_deleteHealthConditions.cpp
02/29/2000 12:35 PM	1,465 xc_deleteImagingInfo.cpp
02/29/2000 12:35 PM	1,511 xc_deleteImmunizations.cpp
02/29/2000 12:35 PM	5,610 xc_deleteInsurance.cpp
02/29/2000 12:35 PM	1,489 xc_deleteMedications.cpp
02/29/2000 12:35 PM	1,140 xc_deletePhysical.cpp
02/29/2000 12:35 PM	1,834 xc_deleteReminder.cpp
02/29/2000 12:35 PM	1,465 xc_deleteSurgeryInfo.cpp
02/29/2000 12:35 PM	1,465 xc_deleteTherapyInfo.cpp
02/29/2000 12:35 PM	1,382 xc_deleteUnregisteredUser.cpp
02/29/2000 12:35 PM	3,770 xc_deleteUserPhysician.cpp

02/29/2000 12:35 PM	1,261 xc_delHcpOffice.cpp
02/29/2000 12:35 PM	1,286 xc_delHcpSpecialty.cpp
02/29/2000 12:35 PM	1,959 xc_execSearch.cpp
02/29/2000 12:35 PM	234 xc_execSearch.h
02/29/2000 12:35 PM	1,090 xc_getAccountInfo.cpp
02/29/2000 12:35 PM	1,286 xc_getAddressInfo.cpp
02/29/2000 12:35 PM	1,047 xc_getAdmit.cpp
02/29/2000 12:35 PM	1,103 xc_getAllergyInfo.cpp
02/29/2000 12:35 PM	807 xc_getBeds.cpp
02/29/2000 12:35 PM	2,668 xc_getBiographicsInfo.cpp
02/29/2000 12:35 PM	2,672 xc_getBloodPressureReadings.cpp
02/29/2000 12:35 PM	1,157 xc_getCareDirectives.cpp
02/29/2000 12:35 PM	2,169 xc_getCholesterolReadings.cpp
02/29/2000 12:35 PM	2,710 xc_getCodeCats.cpp
02/29/2000 12:35 PM	249 xc_getCodeCats.h
02/29/2000 12:35 PM	3,534 xc_getCodes.cpp
02/29/2000 12:35 PM	3,998 xc_GetCommands.h
02/29/2000 12:35 PM	835 xc_getCompany.cpp
02/29/2000 12:35 PM	1,540 xc_getConvertPc.cpp
02/29/2000 12:35 PM	1,139 xc_getCurrConvertPc.cpp
02/29/2000 12:35 PM	1,316 xc_getCurrEncounter.cpp
02/29/2000 12:35 PM	1,288 xc_getCurrEncounterId.cpp
02/29/2000 12:35 PM	1,071 xc_getCurrLoa.cpp

02/29/2000 12:35 PM	1,127 xc_getCurrPrcAdmit.cpp
02/29/2000 12:35 PM	1,126 xc_getCurrTransfer.cpp
02/29/2000 12:35 PM	1,286 xc_getDiagnosis.cpp
02/29/2000 12:35 PM	1,109 xc_getDisability.cpp
02/29/2000 12:35 PM	1,108 xc_getDischarge.cpp
02/29/2000 12:35 PM	1,129 xc_getDischargeHistory.cpp
02/29/2000 12:35 PM	1,414 xc_getEmploymentInfo.cpp
02/29/2000 12:35 PM	1,760 xc_getEncounterTree.cpp
02/29/2000 12:35 PM	1,111 xc_getExternalIDs.cpp
02/29/2000 12:35 PM	862 xc_getFacilities.cpp
02/29/2000 12:35 PM	1,487 xc_getFamilyHistory.cpp
02/29/2000 12:35 PM	868 xc_getFamilyTree.cpp
02/29/2000 12:35 PM	1,112 xc_getGuarantorInfo.cpp
02/29/2000 12:35 PM	1,419 xc_getHealthConditions.cpp
02/29/2000 12:35 PM	2,014 xc_getIdealBpRanges.cpp
02/29/2000 12:35 PM	1,416 xc_getImagingInfo.cpp
02/29/2000 12:35 PM	1,469 xc_getImmunizations.cpp
02/29/2000 12:35 PM	850 xc_getInPatients.cpp
02/29/2000 12:36 PM	879 xc_getInsPlans.cpp
02/29/2000 12:36 PM	1,222 xc_getInsPlansByCompany.cpp
02/29/2000 12:36 PM	1,545 xc_getInsuranceCoverage.cpp
02/29/2000 12:36 PM	1,308 xc_getInsuranceInfo.cpp
02/29/2000 12:36 PM	933 xc_getLifeclinicStats.cpp

02/29/2000 12:36 PM	1,466 xc_getLoa.cpp
02/29/2000 12:36 PM	1,063 xc_getLoaHistory.cpp
02/29/2000 12:36 PM	1,320 xc_getMassMailing.cpp
02/29/2000 12:36 PM	1,443 xc_getMedications.cpp
02/29/2000 12:36 PM	1,076 xc_getMiscIDs.cpp
02/29/2000 12:36 PM	1,237 xc_getName.cpp
02/29/2000 12:36 PM	895 xc_getNewEncounterId.cpp
02/29/2000 12:36 PM	1,977 xc_getNewUnregUserId.cpp
02/29/2000 12:36 PM	1,716 xc_getNok.cpp
02/29/2000 12:36 PM	1,063 xc_getNokAll.cpp
02/29/2000 12:36 PM	2,513 xc_getPasswordReminder.cpp
02/29/2000 12:36 PM	1,109 xc_getPatientLocation.cpp
02/29/2000 12:36 PM	1,145 xc_getPatientStatus.cpp
02/29/2000 12:36 PM	1,154 xc_getPatientValuables.cpp
02/29/2000 12:36 PM	1,070 xc_getPerson.cpp
02/29/2000 12:36 PM	1,241 xc_getPhone.cpp
02/29/2000 12:36 PM	1,102 xc_getPhysicalInfo.cpp
02/29/2000 12:36 PM	1,118 xc_getPhysicianInfo.cpp
02/29/2000 12:36 PM	882 xc_getPhysicians.cpp
02/29/2000 12:36 PM	807 xc_getPocs.cpp
02/29/2000 12:36 PM	1,528 xc_getPreAdmit.cpp
02/29/2000 12:36 PM	2,658 xc_getPulseReadings.cpp
02/29/2000 12:36 PM	1,293 xc_getReminder.cpp

02/29/2000 12:36 PM	816 xc_getRooms.cpp
02/29/2000 12:36 PM	1,109 xc_getSecurityInfo.cpp
02/29/2000 12:36 PM	1,231 xc_getSLMDLocations.cpp
02/29/2000 12:36 PM	1,913 xc_getStats.cpp
02/29/2000 12:36 PM	187 xc_getStats.h
02/29/2000 12:36 PM	1,416 xc_getSurgeryInfo.cpp
02/29/2000 12:36 PM	1,416 xc_getTherapyInfo.cpp
02/29/2000 12:36 PM	1,526 xc_getTransfer.cpp
02/29/2000 12:36 PM	1,346 xc_getUserBiographics.cpp
02/29/2000 12:36 PM	7,116 xc_getUserInsurance.cpp
02/29/2000 12:36 PM	4,773 xc_getUserPhysicians.cpp
02/29/2000 12:36 PM	1,398 xc_getUserPreference.cpp
02/29/2000 12:36 PM	2,657 xc_getWeightReadings.cpp
02/29/2000 12:36 PM	449 xc_insCodeCategory.cpp
02/29/2000 12:36 PM	448 xc_insCpiMaster.cpp
02/29/2000 12:36 PM	429 xc_insCpiUser.cpp
02/29/2000 12:36 PM	435 xc_insDiagnosis.cpp
02/29/2000 12:36 PM	444 xc_insEncounter.cpp
02/29/2000 12:36 PM	453 xc_insEncounterLog.cpp
02/29/2000 12:36 PM	445 xc_insEncounterMap.cpp
02/29/2000 12:36 PM	947 xc_InsertCommands.h
02/29/2000 12:36 PM	444 xc_insExternalCode.cpp
02/29/2000 12:36 PM	451 xc_insInternalCode.cpp

02/29/2000 12:36 PM	435 xc_insSysOrg.cpp
02/29/2000 12:36 PM	6,245 xc_loginUser.cpp
02/29/2000 12:36 PM	276 xc_loginUser.h
02/29/2000 12:36 PM	1,168 xc_openDatabase.cpp
02/29/2000 12:36 PM	203 xc_openDatabase.h
02/29/2000 04:39 PM	634 xc_OtherCommands.h
02/29/2000 12:36 PM	5,815 xc_setAllergyInfo.cpp
02/29/2000 12:36 PM	3,875 xc_setBloodPressure.cpp
02/29/2000 12:36 PM	3,098 xc_setCholesterolReadings.cpp
02/29/2000 03:49 PM	1,332 xc_SetCommands.h
02/29/2000 12:36 PM	12,127 xc_setEmploymentInfo.cpp
02/29/2000 12:36 PM	1,518 xc_setFamilyHistory.cpp
02/29/2000 12:36 PM	1,488 xc_setHealthConditions.cpp
02/29/2000 12:36 PM	1,679 xc_setImagingInfo.cpp
02/29/2000 12:36 PM	1,523 xc_setImmunizations.cpp
02/29/2000 12:36 PM	31,186 xc_setInsurance.cpp
02/29/2000 12:36 PM	1,474 xc_setMedications.cpp
02/29/2000 12:36 PM	2,739 xc_setReminder.cpp
02/29/2000 12:36 PM	3,743 xc_setSLMDLocations.cpp
02/29/2000 12:36 PM	1,477 xc_setSurgeryInfo.cpp
02/29/2000 12:36 PM	1,679 xc_setTherapyInfo.cpp
02/29/2000 12:36 PM	3,554 xc_setUnregisteredUser.cpp
02/29/2000 12:36 PM	4,930 xc_setUserBiographics.cpp

02/29/2000 12:36 PM	19,645 xc_setUserPhysicians.cpp
02/29/2000 12:36 PM	1,287 xc_setUserPreference.cpp
02/29/2000 12:36 PM	1,812 xc_UpdateCommands.h
02/29/2000 12:36 PM	439 xc_uptAddressInfo.cpp
02/29/2000 12:36 PM	417 xc_uptAdmit.cpp
02/29/2000 12:36 PM	2,054 xc_uptBiographics.cpp
02/29/2000 12:36 PM	499 xc_uptCareDirectives.cpp
02/29/2000 12:36 PM	431 xc_uptCompany.cpp
02/29/2000 12:36 PM	447 xc_uptConvertPc.cpp
02/29/2000 12:36 PM	445 xc_uptDiagnosis.cpp
02/29/2000 12:36 PM	445 xc_uptDischarge.cpp
02/29/2000 12:36 PM	449 xc_uptEmployment.cpp
02/29/2000 12:36 PM	501 xc_uptEncounter.cpp
02/29/2000 12:36 PM	439 xc_uptEncounterHcp.cpp
02/29/2000 12:36 PM	542 xc_uptEncounterLog.cpp
02/29/2000 12:36 PM	462 xc_uptExternalCode.cpp
02/29/2000 12:36 PM	448 xc_uptFacility.cpp
02/29/2000 12:36 PM	448 xc_uptGuarantor.cpp
02/29/2000 12:36 PM	424 xc_uptIdMap.cpp
02/29/2000 12:36 PM	448 xc_uptInsurance.cpp
02/29/2000 12:36 PM	476 xc_uptInsurancePlan.cpp
02/29/2000 12:36 PM	406 xc_uptLoa.cpp
02/29/2000 12:37 PM	433 xc_uptMiscIds.cpp

02/29/2000 12:37 PM	410 xc_uptName.cpp
02/29/2000 12:37 PM	405 xc_uptNok.cpp
02/29/2000 12:37 PM	434 xc_uptPatient.cpp
02/29/2000 12:37 PM	424 xc_uptPerson.cpp
02/29/2000 12:37 PM	420 xc_uptPhone.cpp
02/29/2000 12:37 PM	441 xc_uptPhysical.cpp
02/29/2000 12:37 PM	446 xc_uptPreAdmit.cpp
02/29/2000 12:37 PM	441 xc_uptTransfer.cpp
02/29/2000 12:37 PM	9,925 xmlCommand.cpp
02/29/2000 12:37 PM	3,212 xmlCommand.h
02/29/2000 12:31 PM	7,975 xmlParser.cpp
02/29/2000 12:31 PM	6,106 xmlParser.h

Directory of C:\stephenc\Patent3\Lifeclinic\LCServices\LCKioskClient

02/29/2000 03:23 PM	6,558 dialer.cpp
02/29/2000 03:23 PM	1,008 dialer.h
02/29/2000 12:28 PM	4,596 Encryptor.cpp
02/29/2000 12:28 PM	982 Encryptor.h
02/29/2000 12:28 PM	4,224 filenameDelimited.cpp
02/29/2000 12:28 PM	2,463 filenameDelimited.h
02/29/2000 03:23 PM	18,376 LCKioskClient.apx
02/29/2000 03:23 PM	810 LCKioskClient.clw
02/29/2000 03:23 PM	12,691 LCKioskClient.cpp

02/29/2000 03:23 PM	6,452 LCKioskClient.dsp
02/29/2000 03:23 PM	1,350 LCKioskClient.h
02/29/2000 03:23 PM	439 LCKioskClient.idl
02/29/2000 03:23 PM	2,584 LCKioskClient.rc
02/29/2000 03:23 PM	199 LCKioskClient.rgs
02/29/2000 03:23 PM	255 LCKioskClienttps.def
02/29/2000 03:23 PM	526 LCKioskClienttps.mk
02/29/2000 12:28 PM	11,671 Logging.cpp
02/29/2000 12:28 PM	4,648 Logging.h
02/29/2000 12:28 PM	34,767 Registry.cpp
02/29/2000 12:28 PM	8,432 Registry.h
02/29/2000 12:28 PM	3,370 registryBase.cpp
02/29/2000 12:28 PM	815 registryBase.h
02/29/2000 03:23 PM	475 Resource.h
02/29/2000 03:23 PM	315 StdAfx.cpp
02/29/2000 03:23 PM	3,144 StdAfx.h
02/29/2000 03:23 PM	663 threadMain.cpp
02/29/2000 03:23 PM	264 threadMain.h
02/29/2000 03:23 PM	1,807 threadMonitor.cpp
02/29/2000 03:23 PM	1,539 threadMonitor.h
02/29/2000 03:23 PM	1,110 wndMonitor.cpp
02/29/2000 03:23 PM	1,352 wndMonitor.h
02/29/2000 03:23 PM	17,873 wndMonitorISP.cpp

02/29/2000 03:23 PM	2,457 wndMonitorISP.h
02/29/2000 03:23 PM	1,113 zipUtil.cpp
02/29/2000 03:23 PM	504 zipUtil.h

Directory of C:\stephenc\Patent3\Lifeclinic\LCServices\LCKioskServer

02/29/2000 12:28 PM	4,596 Encryptor.cpp
02/29/2000 12:28 PM	982 Encryptor.h
02/29/2000 12:28 PM	4,224 filenameDelimited.cpp
02/29/2000 12:28 PM	2,463 filenameDelimited.h
02/29/2000 03:24 PM	18,368 LCKioskServer.aps
02/29/2000 03:24 PM	837 LCKioskServer.clw
02/29/2000 03:24 PM	12,182 LCKioskServer.cpp
02/29/2000 03:24 PM	439 LCKioskServer.idl
02/29/2000 03:24 PM	2,584 LCKioskServer.rc
02/29/2000 03:24 PM	189 LCKioskServer.rgs
02/29/2000 03:24 PM	255 LCKioskServerps.def
02/29/2000 03:24 PM	526 LCKioskServerps.mk
02/29/2000 12:28 PM	11,671 Logging.cpp
02/29/2000 12:28 PM	4,648 Logging.h
02/29/2000 12:28 PM	34,767 Registry.cpp
02/29/2000 12:28 PM	8,432 Registry.h
02/29/2000 12:28 PM	3,370 registryBase.cpp
02/29/2000 12:28 PM	815 registryBase.h

02/29/2000 03:24 PM	475 Resource.h
02/29/2000 03:24 PM	315 StdAfx.cpp
02/29/2000 03:24 PM	2,875 StdAfx.h
02/29/2000 03:24 PM	1,320 threadMain.cpp
02/29/2000 03:24 PM	296 threadMain.h
02/29/2000 03:24 PM	1,427 threadProcessor.cpp
02/29/2000 03:24 PM	1,509 threadProcessor.h
02/29/2000 03:24 PM	1,400 threadReceiver.cpp
02/29/2000 03:24 PM	1,492 threadReceiver.h
02/29/2000 03:24 PM	2,123 threadServer.cpp
02/29/2000 03:24 PM	1,750 threadServer.h

13. Many of these files contain the same file names as the files submitted with the Declaration submitted October 27, 2006. The files listed above and submitted October 27, 2006 are many cases identical or substantially identical in content, while in other cases reflect the development of computer code that proceeded from February 29, 2000 to April 24, 2000.

14. The development of the computer files attached as Exhibit A unquestionably began well before December 24, 1999, and continued diligently through February 29, 2000. Given the detail and extensive volume of the computer code as it existed in January or February of 2000 at the time of the server crash, it is manifestly evident that creation of the code must have and did date back several months, well before the December 24, 1999 filing date of Harris.

15. Our development of the invention prior to the December 24, 1999 Harris filing date is also evidence by the attached Exhibits B, C, and D.

16. Attached hereto as Exhibit B is a technical specification describing our efforts to reduce the invention to practice. Exhibit B is a 12-page document, with page 1 missing and currently unavailable. The chart at page 3 indicates that the document is contemporaneous with the period of late August of 1999, well before the Harris filing date. On information and belief, Exhibit B represents our efforts in August of 1999 to develop a command system for moving and storing data collected on a kiosk to a central computing system. The Table of Contents at page 2 of the document reflects that we had conceived of and were working on a program intended for use over the Internet by access through the Spacelabs website. (See page 4 of Exhibit A) The following commands and operations were conceived of and were being worked on at the time:

- a. The display of a health track page,
- b. Entry of new health data,
- c. Creation of new users,
- d. Entry of new user data,
- e. Display of a blood pressure chart,
- f. Display of a pulse chart,
- g. Display of a weight chart,
- h. Display of user data,
- i. Password registration and changes, and
- j. Blood pressure monitoring.

17. Attached hereto as Exhibit C is a print-out of a sample data transfer between a Vita-Stat machine and the Lifeclic.com web server. The name "Vita-Stat" was applied in reference to kiosks. The code represented in Exhibit C was intended to facilitate the transfer of multiple users' data, including multiple blood pressure records, as stated at the bottom of page 1

of Exhibit C. The "sample data" listing at pages 4-5 of Exhibit C indicates that the code was generated on or about November 23, 1999. On information and belief, this date is accurate and true and contemporaneous with the generation of the document.

18. Attached as Exhibit D is a press release from the Seattle Post-Intelligencer dated December 9, 1999, in which it is reported that Lifeclinic.com, the former assignee of record, had "a newly launched Web site that links consumers to over 10,000 kiosks in pharmacies that monitor vital signs." On information and belief, the above statement made in the press release is accurate and true.

19. With regard to claim 1, Exhibits B, C, and D clearly represent conception and reduction to practice of a method for distributing user information for registered users from a central computer system to collection kiosks. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. *See, e.g.*, Exhibit B, pages 7-9. The collection kiosks are represented by the Vita Stat machines specified at page 1 of Exhibit C. Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the "web server" or computer system also specified at page 1 of Exhibit C. The bottom of page 1 of Exhibit C states that the XML format allowed for "multiple user's [sic] data" to be transferred, clearly reflecting the conception of a system that would accommodate a plurality of users. Also, the ISLXmlControl.GetUserData command structure at page 10 of Exhibit A was designed to permit the transfer of stored medical data between the remote and central computer systems. The user data is also associated with medical information at the Vita Stat machines, demonstrating the intent to store medical information at the remote computer system for later identification.

The system further included passwords for verifying that the user was registered. See Exhibit B, page 11.

20. With regard to claim 2, file transfer protocol ("FTP") as a standard protocol and tool known and widely used at the time of conception, and was commonly used in connection with XML formatted data. Prior to December 24, 1999 we intended to use this protocol for transferring information between the central computer system and the Vita Stat machines.

21. With regard to claim 3, page 6 of Exhibit B describes the creation of a new user, while page 11 of Exhibit B describes changing of the user password.

22. With regard to claim 4, the sending of a request once a day is an arbitrary time selected by the inventors.

23. With regard to claim 5, the user password and identifier are represented by "password" and "user_login" at page 6 of Exhibit B.

24. With regard to claim 6, Exhibits B, C, and D evidence conception and/or reduction to practice of a computer system for processing medical information. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. See, e.g., Exhibit B, pages 7-9. The collection kiosks are represented by the Vita Stat machines specified at page 1 of Exhibit C. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. See, e.g., Exhibit B. Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the "web server" or computer system also specified at page 1 of Exhibit C. With regard to the verification of whether a user is registered, page 5 of Exhibit B describes that a page which is displayed "if a member is registered." The bottom of page 1 of

Exhibit C states that the XML format allowed for “multiple user’s [sic] data” to be transferred, clearly reflecting the conception of a system that would accommodate a plurality of users. Also, the ISLXmlControl.GetUserData command structure at page 10 of Exhibit A was designed to permit the transfer of stored medical data between the remote and central computer systems. The user data is also associated with medical information at the Vita Stat machines, further demonstrating the intent to store medical information at the remote computer system for later identification.

25. With regard to claim 7, Exhibits B, C, and D clearly represent conception and reduction to practice of an information collection system, in particular a computer system for processing medical information, such as blood pressure and weight of users. The central computer system is represented by the “web server” specified at page 1 of Exhibit C. The ability of the central computer system “server” to act as a repository is an inherent feature of a server, and implicit from the transfer of data from the central computer system to the collection kiosks, as described below. The collection kiosks are represented by the Vita Stat machines specified at page 1 of Exhibit C. Exhibit C, page 2 includes a tag for “UNIT_ID,” which was created with the intention of permitting the central computer system to interact with a plurality of remote computer systems. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. *See, e.g.,* Exhibit B. Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the “web server” or computer system also specified at page 1 of Exhibit C. The bottom of page 1 of Exhibit C states that the XML format allowed for “multiple user’s [sic] data” to be transferred, clearly reflecting the conception of a system that would accommodate a plurality of users. Also, the ISLXmlControl.GetUserData command

structure at page 10 of Exhibit A was designed to permit the transfer of stored medical data between the remote and central computer systems. The system further included passwords for verifying that the user was registered. See Exhibit B, page 11. User verification is also evident from Exhibit B, page 5, which describes the display of information "if a member is registered."

26. With regard to claim 8, the user data is associated with medical information at the Vita Stat machines. See Exhibit B, pages 7-9.

27. With regard to claim 9, Exhibits B, C, and D clearly represent conception and reduction to practice of a computer-based method for collecting medical information of users of a web-site. The central computer system is represented by the "web server" specified at page 1 of Exhibit C. The collection kiosks are represented by the Vita Stat machines specified at page 1 of Exhibit C. Exhibit C, page 2 includes a tag for "UNIT_ID," which was created with the intention of permitting the central computer system to interact with multiple of remote computer systems. The computer system involves the transfer of medical information specific to registered users, as evidenced by the numerous references to medical information such as blood pressure. See, e.g., Exhibit B, pages 7-9. The system further included passwords for verifying that the user was registered. See Exhibit B, page 11. User verification is also described at page 5 of Exhibit B, which states that a display is returned "if a member is registered." Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the "web server" or computer system also specified at page 1 of Exhibit C. Exhibit C illustrates a protocol for sending the medical information as output to the user when the correct input information has been entered. Web-site accessibility is evident from Exhibit D, which describes a website that links consumers to over 10,000 kiosks.

28. With regard to claims 10-12, automatic and periodic updating was a contemporaneous concept of ours.

29. With regard to claim 13, the provision of medical information specific to registered users is shown by the login-user identifications and associated fields of information described in Exhibit B. Exhibit C sets out an XML data format for transferring data between the Vita Stat machines and the "web server" or computer system also specified at page 1 of Exhibit C. The ISLXmlControl.GetUserData command structure at page 10 of Exhibit A was designed to permit the transfer of stored medical data between the remote and central computer systems.

30. We hereby declare that all statements made herein of our knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-captioned patent application or any patent issued thereon.

Billy W. Hensley

Date

Roy Hays

Date



5 Oct '07